

EXHIBIT 37

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE 01 OF 10 PAGES
2. AMENDMENT/MODIFICATION NO. Modification Number 73		3. EFFECTIVE DATE 05/01/2013	4. REQUISITION/PURCHASE REQ. NO. 5-04Z-13	5. PROJECT NO. (If applicable) 04Z	
6. ISSUED BY Federal Bureau of Prisons Privatized Corrections Contracting 320 First Street, NW Washington, DC 20534		7. ADMINISTERED BY (If other than Item 6) Federal Bureau of Prisons Eden Contract Administration Office 702 East Broadway Street Eden, Texas 76837		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Corrections Corporation of America (CCA) 10 Burton Hills Boulevard Nashville, Tennessee 37215-6105				<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. <input type="checkbox"/> 9B. DATED (SEE ITEM 11) <input checked="" type="checkbox"/> 10A. MODIFICATION OF CONTRACT/ORDER NO. DJB-1PC-005 <input checked="" type="checkbox"/> 10B. DATED (SEE ITEM 13) 01/17/2007	
CODE TIN: 621763875		FACILITY CODE DUNS: 159734151			

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

S-04Z-MNP10101 - 01May13-30Sep13 //// S-04Z-NNP10101 - 01Oct13-30Sep14

**13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input checked="" type="checkbox"/>	D. OTHER (Specify type of modification and authority) FAR 52.217-9, Option to Extend the Term of the Contract (Mar 2000)

E. IMPORTANT: Contractor ☒ is not, ☐ is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Contract **DJB-1PC-005** is hereby **MODIFIED** as follows: **EXERCISE OPTION 2;**

1) Year 1, (May 1, 2013 - April 30, 2014), AOP: \$27,650,009.30; Max FIUP: \$5,386,864.90; Max Award Fee: \$1,701,843.71;
Total Value: \$35,738,717.91 AND
Year 2, (May 1, 2014 - April 30, 2015), AOP: \$28,181,081.30; Max FIUP: \$6,515,169.70; Max Award Fee: \$1,734,812.55;
Total Value: \$38,431,063.55 TOTAL VALUE OPTION TWO: \$72,169,781.46

2) INCORPORATE revised DOL Wage Rate 2005-2517, Revision 16, dated June 13, 2012.

***** ALL other TERMS and CONDITIONS remain UNCHANGED. *****

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect

15A. NAME AND TITLE OF SIGNER (Type or print) 15B. CONTRACTOR/OFFEROR		15A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Bill Gensel Contracting Officer 15B. UNITED STATES OF AMERICA	
(Signature of person authorized to sign)		(Signature of Contracting Officer)	
15C. DATE SIGNED		15C. DATE SIGNED 4/30/13	

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA FAR (48 CFR) 53.243

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D.C. 20210

Diane C. Koplewski Division of
Director Wage Determinations

Wage Determination No.: 2005-2517
Revision No.: 16
Date Of Revision: 06/13/2012

States: New Mexico, Oklahoma, Texas

Area: New Mexico Counties of Curry, Lea, Quay, Roosevelt, Union
Oklahoma Counties of Beaver, Cimarron, Texas
Texas Counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Brown,
Callahan, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth,
Comanche, Concho, Cottle, Crane, Crockett, Crosby, Dallam, Dawson, Deaf Smith,
Dickens, Donley, Eastland, Ector, Fisher, Floyd, Foard, Gaines, Garza,
Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill,
Hockley, Howard, Hutchinson, Irion, Jeff Davis, Jones, Kent, Kimble, King,
Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, McCulloch, Menard,
Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos,
Potter, Presidio, Randall, Reagan, Reeves, Roberts, Runnels, Schleicher,
Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher,
Taylor, Terrell, Terry, Throckmorton, Tom Green, Upton, Ward, Wheeler, Winkler,
Yoakum, Young

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		12.71
01012 - Accounting Clerk II		14.26
01013 - Accounting Clerk III		15.96
01020 - Administrative Assistant		21.36
01040 - Court Reporter		16.93
01051 - Data Entry Operator I		10.92
01052 - Data Entry Operator II		11.91
01060 - Dispatcher, Motor Vehicle		16.39
01070 - Document Preparation Clerk		11.95
01090 - Duplicating Machine Operator		11.95
01111 - General Clerk I		11.75
01112 - General Clerk II		16.25
01113 - General Clerk III		16.70
01120 - Housing Referral Assistant		19.21
01141 - Messenger Courier		9.96
01191 - Order Clerk I		10.92
01192 - Order Clerk II		12.88
01261 - Personnel Assistant (Employment) I		14.21
01262 - Personnel Assistant (Employment) II		17.32
01263 - Personnel Assistant (Employment) III		18.25
01270 - Production Control Clerk		17.75
01280 - Receptionist		11.31
01290 - Rental Clerk		13.42
01300 - Scheduler, Maintenance		15.37
01311 - Secretary I		15.37
01312 - Secretary II		17.77
01313 - Secretary III		19.21
01320 - Service Order Dispatcher		14.63
01410 - Supply Technician		21.36
01420 - Survey Worker		15.22
01531 - Travel Clerk I		11.15
01532 - Travel Clerk II		12.06
01533 - Travel Clerk III		12.98

01611 - Word Processor I	12.98
01612 - Word Processor II	14.56
01613 - Word Processor III	16.29
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	19.73
05010 - Automotive Electrician	19.89
05040 - Automotive Glass Installer	18.62
05070 - Automotive Worker	18.62
05110 - Mobile Equipment Servicer	16.12
05130 - Motor Equipment Metal Mechanic	21.12
05160 - Motor Equipment Metal Worker	18.62
05190 - Motor Vehicle Mechanic	21.40
05220 - Motor Vehicle Mechanic Helper	14.89
05250 - Motor Vehicle Upholstery Worker	17.39
05280 - Motor Vehicle Wrecker	18.62
05310 - Painter, Automotive	19.89
05340 - Radiator Repair Specialist	18.62
05370 - Tire Repairer	12.90
05400 - Transmission Repair Specialist	21.12
07000 - Food Preparation And Service Occupations	
07010 - Baker	10.56
07041 - Cook I	9.71
07042 - Cook II	11.25
07070 - Dishwasher	7.37
07130 - Food Service Worker	8.18
07210 - Meat Cutter	12.96
07260 - Waiter/Waitress	7.61
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	19.02
09040 - Furniture Handler	11.85
09080 - Furniture Refinisher	19.02
09090 - Furniture Refinisher Helper	14.25
09110 - Furniture Repairer, Minor	16.63
09130 - Upholsterer	19.02
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	8.38
11060 - Elevator Operator	8.38
11090 - Gardener	11.20
11122 - Housekeeping Aide	9.06
11150 - Janitor	11.51
11210 - Laborer, Grounds Maintenance	9.62
11240 - Maid or Houseman	7.80
11260 - Pruner	8.70
11270 - Tractor Operator	11.66
11330 - Trail Maintenance Worker	9.62
11360 - Window Cleaner	11.52
12000 - Health Occupations	
12010 - Ambulance Driver	13.76
12011 - Breath Alcohol Technician	16.47
12012 - Certified Occupational Therapist Assistant	24.04
12015 - Certified Physical Therapist Assistant	24.27
12020 - Dental Assistant	13.32
12025 - Dental Hygienist	31.24
12030 - EKG Technician	23.07
12035 - Electroneurodiagnostic Technologist	23.07
12040 - Emergency Medical Technician	13.76
12071 - Licensed Practical Nurse I	14.18
12072 - Licensed Practical Nurse II	15.86
12073 - Licensed Practical Nurse III	17.68
12100 - Medical Assistant	11.62
12130 - Medical Laboratory Technician	15.03
12160 - Medical Record Clerk	12.51
12190 - Medical Record Technician	14.89
12195 - Medical Transcriptionist	13.78
12210 - Nuclear Medicine Technologist	29.70
12221 - Nursing Assistant I	9.59
12222 - Nursing Assistant II	10.77

12223 - Nursing Assistant III	11.76
12224 - Nursing Assistant IV	13.20
12235 - Optical Dispenser	12.88
12236 - Optical Technician	11.61
12250 - Pharmacy Technician	14.75
12280 - Phlebotomist	13.20
12305 - Radiologic Technologist	23.30
12311 - Registered Nurse I	24.19
12312 - Registered Nurse II	29.61
12313 - Registered Nurse II, Specialist	29.61
12314 - Registered Nurse III	35.83
12315 - Registered Nurse III, Anesthetist	35.83
12316 - Registered Nurse IV	42.91
12317 - Scheduler (Drug and Alcohol Testing)	18.87
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	16.34
13012 - Exhibits Specialist II	20.25
13013 - Exhibits Specialist III	24.77
13041 - Illustrator I	16.34
13042 - Illustrator II	20.25
13043 - Illustrator III	24.77
13047 - Librarian	22.42
13050 - Library Aide/Clerk	10.33
13054 - Library Information Technology Systems Administrator	20.25
13058 - Library Technician	14.76
13061 - Media Specialist I	14.62
13062 - Media Specialist II	16.34
13063 - Media Specialist III	18.23
13071 - Photographer I	13.30
13072 - Photographer II	15.63
13073 - Photographer III	18.41
13074 - Photographer IV	22.53
13075 - Photographer V	27.26
13110 - Video Teleconference Technician	14.97
14000 - Information Technology Occupations	
14041 - Computer Operator I	13.98
14042 - Computer Operator II	15.64
14043 - Computer Operator III	19.48
14044 - Computer Operator IV	21.63
14045 - Computer Operator V	23.96
14071 - Computer Programmer I	22.18
14072 - Computer Programmer II	27.50
14073 - Computer Programmer III	(see 1)
14074 - Computer Programmer IV	(see 1)
14101 - Computer Systems Analyst I	(see 1)
14102 - Computer Systems Analyst II	(see 1)
14103 - Computer Systems Analyst III	(see 1)
14150 - Peripheral Equipment Operator	13.98
14160 - Personal Computer Support Technician	21.63
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	25.44
15020 - Aircrew Training Devices Instructor (Rated)	34.92
15030 - Air Crew Training Devices Instructor (Pilot)	40.60
15050 - Computer Based Training Specialist / Instructor	27.72
15060 - Educational Technologist	26.44
15070 - Flight Instructor (Pilot)	40.60
15080 - Graphic Artist	19.64
15090 - Technical Instructor	18.16
15095 - Technical Instructor/Course Developer	22.23
15110 - Test Proctor	17.77
15120 - Tutor	17.77
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	8.21
16030 - Counter Attendant	8.21
16040 - Dry Cleaner	9.53
16070 - Finisher, Flatwork, Machine	8.21

16090 - Presser, Hand	8.21
16110 - Presser, Machine, Drycleaning	8.21
16130 - Presser, Machine, Shirts	8.21
16160 - Presser, Machine, Wearing Apparel, Laundry	8.21
16190 - Sewing Machine Operator	10.09
16220 - Tailor	10.61
16250 - Washer, Machine	9.45
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	16.96
19040 - Tool And Die Maker	24.37
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	14.57
21030 - Material Coordinator	17.75
21040 - Material Expediter	17.75
21050 - Material Handling Laborer	9.78
21071 - Order Filler	11.03
21080 - Production Line Worker (Food Processing)	14.57
21110 - Shipping Packer	12.38
21130 - Shipping/Receiving Clerk	12.38
21140 - Store Worker I	9.53
21150 - Stock Clerk	13.09
21210 - Tools And Parts Attendant	14.57
21410 - Warehouse Specialist	14.57
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	25.13
23021 - Aircraft Mechanic I	23.71
23022 - Aircraft Mechanic II	25.13
23023 - Aircraft Mechanic III	26.53
23040 - Aircraft Mechanic Helper	16.71
23050 - Aircraft, Painter	21.58
23060 - Aircraft Servicer	18.72
23080 - Aircraft Worker	20.06
23110 - Appliance Mechanic	16.96
23120 - Bicycle Repairer	12.90
23125 - Cable Splicer	24.94
23130 - Carpenter, Maintenance	16.96
23140 - Carpet Layer	15.84
23160 - Electrician, Maintenance	21.00
23181 - Electronics Technician Maintenance I	20.54
23182 - Electronics Technician Maintenance II	21.99
23183 - Electronics Technician Maintenance III	23.51
23260 - Fabric Worker	14.71
23290 - Fire Alarm System Mechanic	19.23
23310 - Fire Extinguisher Repairer	13.66
23311 - Fuel Distribution System Mechanic	18.22
23312 - Fuel Distribution System Operator	15.05
23370 - General Maintenance Worker	15.84
23380 - Ground Support Equipment Mechanic	23.71
23381 - Ground Support Equipment Servicer	18.72
23382 - Ground Support Equipment Worker	20.06
23391 - Gunsmith I	13.66
23392 - Gunsmith II	15.84
23393 - Gunsmith III	19.35
23410 - Heating, Ventilation And Air-Conditioning Mechanic	18.31
23411 - Heating, Ventilation And Air Contditioning Mechanic (Research Facility)	19.41
23430 - Heavy Equipment Mechanic	19.24
23440 - Heavy Equipment Operator	19.24
23460 - Instrument Mechanic	19.35
23465 - Laboratory/Shelter Mechanic	16.96
23470 - Laborer	11.40
23510 - Locksmith	16.96
23530 - Machinery Maintenance Mechanic	17.96
23550 - Machinist, Maintenance	19.62
23580 - Maintenance Trades Helper	13.56
23591 - Metrology Technician I	19.35

23592 - Metrology Technician II	20.52
23593 - Metrology Technician III	21.65
23640 - Millwright	19.35
23710 - Office Appliance Repairer	16.96
23760 - Painter, Maintenance	16.96
23790 - Pipefitter, Maintenance	17.80
23810 - Plumber, Maintenance	17.15
23820 - Pneudraulic Systems Mechanic	19.35
23850 - Rigger	19.35
23870 - Scale Mechanic	15.84
23890 - Sheet-Metal Worker, Maintenance	19.24
23910 - Small Engine Mechanic	15.84
23931 - Telecommunications Mechanic I	21.03
23932 - Telecommunications Mechanic II	22.36
23950 - Telephone Lineman	21.32
23960 - Welder, Combination, Maintenance	19.24
23965 - Well Driller	20.50
23970 - Woodcraft Worker	19.35
23980 - Woodworker	13.82
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	8.36
24580 - Child Care Center Clerk	12.97
24610 - Chore Aide	7.33
24620 - Family Readiness And Support Services Coordinator	9.81
24630 - Homemaker	15.93
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	18.90
25040 - Sewage Plant Operator	17.29
25070 - Stationary Engineer	18.90
25190 - Ventilation Equipment Tender	13.23
25210 - Water Treatment Plant Operator	17.29
27000 - Protective Service Occupations	
27004 - Alarm Monitor	14.48
27007 - Baggage Inspector	12.58
27008 - Corrections Officer	16.49
27010 - Court Security Officer	19.36
27030 - Detection Dog Handler	15.74
27040 - Detention Officer	16.49
27070 - Firefighter	20.08
27101 - Guard I	12.58
27102 - Guard II	15.74
27131 - Police Officer I	23.04
27132 - Police Officer II	25.57
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	11.01
28042 - Carnival Equipment Repairer	10.43
28043 - Carnival Equipment Worker	8.32
28210 - Gate Attendant/Gate Tender	13.35
28310 - Lifeguard	11.34
28350 - Park Attendant (Aide)	14.94
28510 - Recreation Aide/Health Facility Attendant	10.90
28515 - Recreation Specialist	15.20
28630 - Sports Official	11.90
28690 - Swimming Pool Operator	14.21
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	18.39
29020 - Hatch Tender	18.39
29030 - Line Handler	18.39
29041 - Stevedore I	17.07
29042 - Stevedore II	19.69
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	35.77
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	24.67
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	27.16
30021 - Archeological Technician I	16.30
30022 - Archeological Technician II	18.22

30023 - Archeological Technician III	22.58
30030 - Cartographic Technician	22.58
30040 - Civil Engineering Technician	21.39
30061 - Drafter/CAD Operator I	16.30
30062 - Drafter/CAD Operator II	18.22
30063 - Drafter/CAD Operator III	20.71
30064 - Drafter/CAD Operator IV	25.13
30081 - Engineering Technician I	15.07
30082 - Engineering Technician II	16.90
30083 - Engineering Technician III	18.91
30084 - Engineering Technician IV	23.43
30085 - Engineering Technician V	28.66
30086 - Engineering Technician VI	34.67
30090 - Environmental Technician	21.53
30210 - Laboratory Technician	20.09
30240 - Mathematical Technician	22.58
30361 - Paralegal/Legal Assistant I	16.90
30362 - Paralegal/Legal Assistant II	19.95
30363 - Paralegal/Legal Assistant III	24.84
30364 - Paralegal/Legal Assistant IV	29.73
30390 - Photo-Optics Technician	22.58
30461 - Technical Writer I	21.64
30462 - Technical Writer II	26.45
30463 - Technical Writer III	32.01
30491 - Unexploded Ordnance (UXO) Technician I	22.74
30492 - Unexploded Ordnance (UXO) Technician II	27.51
30493 - Unexploded Ordnance (UXO) Technician III	32.97
30494 - Unexploded (UXO) Safety Escort	22.74
30495 - Unexploded (UXO) Sweep Personnel	22.74
30620 - Weather Observer, Combined Upper Air Or	(see 2) 20.71
Surface Programs	
30621 - Weather Observer, Senior	(see 2) 22.58
31000 - Transportation/Mobile Equipment Operation Occupations	
31020 - Bus Aide	12.01
31030 - Bus Driver	17.05
31043 - Driver Courier	11.91
31260 - Parking and Lot Attendant	8.95
31290 - Shuttle Bus Driver	12.89
31310 - Taxi Driver	9.57
31361 - Truckdriver, Light	12.89
31362 - Truckdriver, Medium	15.45
31363 - Truckdriver, Heavy	17.91
31364 - Truckdriver, Tractor-Trailer	17.91
99000 - Miscellaneous Occupations	
99030 - Cashier	8.73
99050 - Desk Clerk	11.45
99095 - Embalmer	24.07
99251 - Laboratory Animal Caretaker I	10.35
99252 - Laboratory Animal Caretaker II	11.21
99310 - Mortician	24.07
99410 - Pest Controller	14.59
99510 - Photofinishing Worker	11.42
99710 - Recycling Laborer	14.23
99711 - Recycling Specialist	17.31
99730 - Refuse Collector	12.73
99810 - Sales Clerk	11.55
99820 - School Crossing Guard	8.77
99830 - Survey Party Chief	14.51
99831 - Surveying Aide	10.10
99832 - Surveying Technician	13.85
99840 - Vending Machine Attendant	11.45
99841 - Vending Machine Repairer	14.36
99842 - Vending Machine Repairer Helper	11.45

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.71 per hour or \$148.40 per week or \$643.07 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 8 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

- (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- (4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or

in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives.

Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C) (vi)}

When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.